



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 5, 1998

Mr. Saul Pedregon  
Assistant City Attorney  
Criminal Law & Police Division  
City of Dallas  
2014 Main St. Room 206  
Dallas, Texas 75201

OR98-2612

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 119293.

The Dallas Police Department (the "department") received a request for specific police reports, identified as service report numbers 0177774B, 0101524C, and 0267181B. In response to the request, you submit to this office for review a copy of the reports at issue. You contend that the submitted information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

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<sup>1</sup>Specifically, you claim that the requested information is excepted from required public disclosure pursuant to sections 552.108(a)(1) and 552.108(a)(2).

- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

....

- (c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. Generally, a governmental body claiming an exception from disclosure under section 552.108(a)(1) must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *Ex parte Pruitt*, 551 S.W. 2d 706 (Tex. 1977). In this instance, you have submitted reports of investigations which although suspended, you represent are still pending. Because you have informed us that the records at issue pertain to ongoing investigations, we conclude that you have met your burden of establishing that the release of those records at this time could interfere with law enforcement or prosecution. The department, therefore, may withhold most of the information contained in those files at this time pursuant to section 552.108(a)(1).

However, as you are aware, certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.<sup>2</sup> See Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information, including the identification and description of the complainant, even if this information is not actually located on the front page of the offense report.<sup>3</sup> See generally *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 187 (Tex. Civ. App--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for basic information subject to release, section 552.108(a)(1) excepts the remaining information from public disclosure. Although section 552.108 authorizes you to withhold the remaining information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

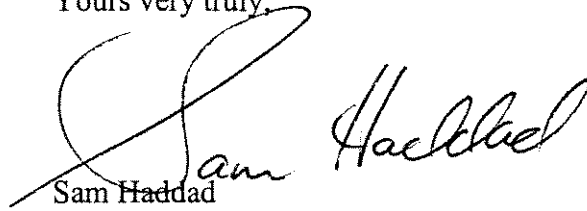
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<sup>2</sup>We note that the information disclosed in service report numbers 0101524C and 0267181B consists of predominantly basic information which is subject to 552.108(c).

<sup>3</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/mjc

Ref.: ID# 119293

Enclosures: Submitted documents

cc: Ms. Melissa Baginski  
Thompson & Knight  
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(w/o enclosures)